

BARRY E. HINKLE, Bar No. 071223
KRISTINA M. ZINNEN, Bar No. 245346
DANIEL S. BROME, Bar No. 278915
WEINBERG, ROGER & ROSENFELD
A Professional Corporation
1001 Marina Village Parkway, Suite 200
Alameda, California 94501
Telephone (510) 337-1001
Fax (510) 337-1023
E-Mail: dbrome@unioncounsel.net

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE BOARD OF TRUSTEES, in their
capacities as Trustees of the CEMENT
MASONS HEALTH AND WELFARE TRUST
FUND FOR NORTHERN CALIFORNIA,
CEMENT MASONS PENSION TRUST FUND
FOR NORTHERN CALIFORNIA, CEMENT
MASONS VACATION/HOLIDAY TRUST
FUND FOR NORTHERN CALIFORNIA,
CEMENT MASONS APPRENTICESHIP AND
TRAINING TRUST FUND FOR NORTHERN
CALIFORNIA,

Plaintiffs,

v.

AAP CONCRETE, INC., A California
Corporation,

Respondent.

No. C 13-02639 KAW

**EX PARTE APPLICATION TO
CONTINUE CASE MANAGEMENT
CONFERENCE; ~~PROPOSED~~ ORDER**

**TO: THE CLERK OF THE COURT AND DEFENDANT AAP CONCRETE, INC., A
California Corporation:**

Pursuant to Civil Local Rule 7-10, Plaintiffs hereby request that the initial Case
Management Conference, currently scheduled for September 10, 2013 at 1:30 p.m., be continued

1 for ninety days to allow Plaintiffs additional time to serve Defendant with the Summons and
2 Complaint.

3 Plaintiffs filed the Complaint in this matter on June 7, 2013. Since that time, Plaintiffs
4 have made numerous attempts, at multiple locations, to serve Defendant with the Summons and
5 Complaint in this matter. Plaintiffs are continuing to try to locate Defendant to complete service.
6 Given these facts, Plaintiffs request that Case Management Conference be continued for ninety
7 days in order to allow Plaintiffs to complete service on Defendant.

8 The above stated facts are set forth in the accompanying Declaration of Daniel S. Brome
9 in Support of Ex Parte Application to Continue Case Management Conference, filed herewith.

10 Dated: August 30, 2013

11
12 WEINBERG, ROGER & ROSENFELD
A Professional Corporation

13
14 By: /s/ Daniel S. Brome
DANIEL S. BROME
Attorneys for Plaintiffs

15
16
17 **ORDER CONTINUING CASE MANAGEMENT CONFERENCE**

18 Based upon the foregoing Ex Parte Application for Continuance of Case Management
19 Conference and Declaration of Daniel S. Brome in Support of Ex Parte Application to Continue
20 Case Management Conference, the Court orders a continuance of the Case Management
21 Conference ~~for 90 days, or as soon thereafter as a court date is available. In addition, the Court~~
22 ~~orders:~~

23
24 Dated: 2/6/14

25 
HONORABLE KANDIS A. WESTMORE
United States Magistrate Judge

26
27
28 133840/732276

**PROOF OF SERVICE
(CCP §1013)**

I am a citizen of the United States and resident of the State of California. I am employed in the County of Alameda, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years and not a party to the within action.

On August 30, 2013, I served the following documents in the manner described below:

**EX PARTE APPLICATION TO CONTINUE CASE MANAGEMENT CONFERENCE;
(PROPOSED) ORDER**

- ☒ (BY U.S. MAIL) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing with the United States Parcel Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Alameda, California.
- ☐ (BY MESSENGER SERVICE) by consigning the document(s) to an authorized courier and/or process server for hand delivery on this date.
- ☐ (BY FACSIMILE) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of document(s) to be transmitted by facsimile and I caused such document(s) on this date to be transmitted by facsimile to the offices of addressee(s) at the numbers listed below.
- ☐ (BY OVERNIGHT MAIL) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for overnight delivery, and I caused such document(s) described herein to be deposited for delivery to a facility regularly maintained by United Parcel Service for overnight delivery.

On the following part(ies) in this action:

AAP Concrete, Inc.
Greg Wade, Agent for Service of Process
925 – 87th Avenue
Oakland, CA 94621

AAP Concrete, Inc.
1015 – 87th Avenue
Oakland, CA 94621

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 30, 2013, at Alameda, California.

/s/ Karen Scott
Karen Scott